

# **EXHIBIT A**

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DOUGLASS A. KREIS (FL)  
NEIL D. OVERHOLTZ (FL)  
R. JASON RICHARDS (FL, CO)  
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\*States in which attorney is licensed to practice law

†Of counsel

July 5, 2013

**VIA E-MAIL**

Ben Watson  
Butler, Snow, O'Mara, Stevens & Cannada, PLLC  
1020 Highland Colony Parkway  
Suite 1400  
Ridgeland, MS 39158-6010

RE: *In re: Ethicon, Inc. Pelvic Repair System*  
Products Liability Litigation MDL No. 2327

Dear Ben:

As you know, and as I stated in my letter of July 1, 2013, our Motion to Compel takes the position that your client has waived its objections. Specifically, by answering discovery "subject to" objections and by responding to discovery with boilerplate objections. Under these circumstances, it defies logic to suggest that we should surrender our waiver arguments, among others, so that your client can continue to assert objections to discovery. Moreover, we do not envision your latest supplemental responses (filed only after the Motion to Compel had been filed) as a viable escape hatch to avoid a ruling on the motion. Not only are such procedural tactics frowned upon by courts, but your client cannot avoid the consequences of its actions by attempting to undo its putative acts of waiver.

This is particularly true here, where: (1) we had made clear since the very beginning in our multiple meet and confer sessions that "subject to" and boilerplate objections were improper under the rules; (2) your responses served on April 8<sup>th</sup> were served many weeks late, and only after we had to threaten to file a motion to compel; (3) we had made clear prior to these responses that this would be our "final" meet and confer on these issues; and (4) we had specifically requested on multiple occasions and in writing that you make the responses that were eventually served on April 8<sup>th</sup> your "best and final and best efforts to comply" and the "most your clients are willing to do following our extensive meet and confers..." See emails from March 19, 2013 and April 6, 2013, attached hereto.

Mr. Ben Watson  
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Thus, unless your client is willing to waive all of its objections to discovery as argued in our motion, I do not see any meaningful purpose in engaging in further meet and confers on this issue. The matter has been fully briefed and is ripe for review.

We have contacted Laura about potential dates to hear this matter and the following dates and times work with the Court and our schedules for either an in-person or a telephonic hearing: July 11<sup>th</sup> (any time), July 12<sup>th</sup> (early to mid-afternoon), and July 17<sup>th</sup> (from 11:30 a.m. into the afternoon). Please let us know if any of these dates or times work for you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bryan Aylstock", enclosed within a rectangular box.

Bryan Aylstock

cc: Tom Cartmell (via email)  
Renee Baggett (via email)  
Christy Jones (via email)